

FILED

AUG 03 2006

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

MARY SHORT, individually and as
the Administratrix of the Estate of
THOMAS LEE SHORT, SR., deceased,

Plaintiff.

v.

SHERIFF DANIEL T. McEATHRON, et al.,

Defendants.

Civil Action No.: 5:04-CV-00043

MEMORANDUM OPINION
AND ORDER

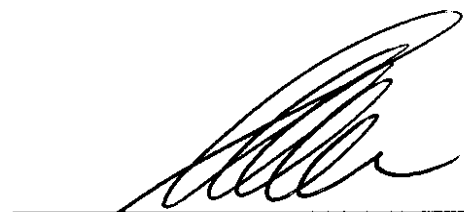
By: Samuel G. Wilson
United States District Judge

Plaintiff Mary Short, individually and as representative of the estate of her husband, Thomas Lee Short, filed this § 1983 action following her husband's suicide while he was a detainee at the Warren County Jail. She alleges that defendants, seven deputy sheriffs assigned to the Warren County Jail, were deliberately indifferent to the risk of suicide. At this juncture, Harry Ferguson is the only defendant remaining in the case. This matter is before the court on Ferguson's motion for judgment as a matter of law pursuant to Federal Rule of Civil Procedure 50.¹ Reviewing the record as a whole and drawing all reasonable inferences in favor of Ms. Short, it appears to the court that there is a sufficient evidentiary basis for a reasonable jury to find for Ms. Short on the issue of deliberate indifference. For the reasons stated at trial, the court finds that Ms. Short's claims under § 1983 survive the death of Mr. Short and that Ms. Short's claims are not barred by the "illegal act" defense. Accordingly, the court **DENIES** Ferguson's

¹This action was tried before a jury from July 19, 2006 to July 21, 2006, and on July 21, the court declared a mistrial after the jury informed the court that it was unable to reach a unanimous verdict.

motion for judgment as a matter of law.

ENTER: This 3rd day of August, 2006.



UNITED STATES DISTRICT JUDGE